

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 472 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 12-7-2-72 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 72. "Drug abuse", for
5 purposes of **IC 12-14-30** and IC 12-23, means:
6 (1) psychological or physical dependence on the effect of drugs
7 or harmful substances; or
8 (2) abuse of the use of drugs or harmful substances;
9 that is harmful to the individual or society.
10 SECTION 2. IC 12-7-2-87.9 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2009]: **Sec. 87.9. "Food stamp program", for purposes of**
13 **IC 12-14-30, means the federal Food Stamp Program under 7**
14 **U.S.C. 2011 et seq.**
15 SECTION 3. IC 12-14-30 IS ADDED TO THE INDIANA CODE
16 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2009]:
18 **Chapter 30. Drug Testing Under the Temporary Assistance for**
19 **Needy Families Program and the Food Stamp Program**
20 **Sec. 1. This chapter applies to the following:**
21 **(1) Each individual eligible for assistance under the TANF**
22 **program or the food stamp program who:**
23 **(A) is at least eighteen (18) years of age; and**
24 **(B) applies for or receives assistance under the TANF**

1 program or the food stamp program.

2 (2) Each individual who:

3 (A) resides with an individual described in subdivision (1);
4 and

5 (B) is at least eighteen (18) years of age.

6 Sec. 2. (a) The division shall establish a random drug abuse
7 testing program, participation in which is a condition for
8 individuals applying for or receiving assistance under the TANF
9 program or the food stamp program.

10 (b) The division shall develop and implement a drug abuse
11 testing program under this chapter that includes the following:

12 (1) Testing of randomly selected individuals under the TANF
13 program and the food stamp program.

14 (2) A urinalysis test.

15 (3) An appeals process for individuals.

16 (c) A county office may administer additional drug tests to an
17 individual who is eligible for assistance under the TANF program
18 or the food stamp program if the individual:

19 (1) is arrested or indicted on charges involving the illegal use
20 of a controlled substance;

21 (2) is under investigation by the county office or a prosecuting
22 attorney's office for alleged child abuse or neglect;

23 (3) commits an act or omission that is grounds for revoking
24 the individual's assistance under the TANF program or the
25 food stamp program according to a rule adopted by the
26 division under IC 4-22-2; or

27 (4) has tested positive for drug abuse under this chapter.

28 Sec. 3. (a) If an individual who is tested for drugs under this
29 chapter:

30 (1) tests positive for the presence in the individual's body of a:

31 (A) controlled substance (as defined in IC 35-48-1-9); or

32 (B) legend drug (as defined in IC 16-18-2-199); and

33 (2) does not possess a valid prescription for the controlled
34 substance or legend drug;

35 the individual is ineligible to receive assistance under the TANF
36 program or the food stamp program.

37 (b) An individual who refuses to take a drug test required under
38 this chapter without good cause is ineligible to receive assistance
39 under the TANF program or the food stamp program.

40 Sec. 4. An individual tested under this chapter is not considered
41 to have tested positive for the presence of a controlled substance or
42 legend drug in the individual's body until the sample obtained from
43 the original test has been retested to rule out a false positive.

44 Sec. 5. An individual who is ineligible to receive assistance under
45 section 3 of this chapter may reapply for assistance under the
46 TANF program or the food stamp program on the earlier of:

47 (1) six (6) months after the date the individual tested positive

1 for illegal drugs under section 3 of this chapter; or
 2 (2) the date the individual complies with and completes a drug
 3 abuse assessment or treatment plan.

4 **Sec. 6. A dependent child's eligibility for assistance under the**
 5 **TANF program or the food stamp program is not affected by this**
 6 **chapter.**

7 **Sec. 7. A county office may contract with a private or public**
 8 **entity or an individual to perform the drug tests required under**
 9 **this chapter.**

10 **Sec. 8. The division may adopt rules under IC 4-22-2 necessary**
 11 **to implement this chapter.**

12 SECTION 4. IC 12-15-2-23 IS ADDED TO THE INDIANA CODE
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2009]: **Sec. 23. A person who is ineligible for public assistance as**
 15 **described in IC 12-14-30 is ineligible to receive Medicaid assistance**
 16 **under this article."**

17 Page 8 between lines 4 and 5, begin a new paragraph and insert:

18 "SECTION 14. [EFFECTIVE UPON PASSAGE] (a) **As used in**
 19 **this SECTION, "office" refers to the office of Medicaid policy and**
 20 **planning established by IC 12-8-6-1.**

21 **(b) Before July 1, 2009, the office shall apply to the United**
 22 **States Department of Health and Human Services for approval to**
 23 **amend the state Medicaid plan to limit eligibility for individuals**
 24 **who are ineligible for public assistance under IC 12-14-30, as**
 25 **added by this act.**

26 **(c) The office may not implement the amendment to the state**
 27 **Medicaid plan until the office files an affidavit with the governor**
 28 **attesting that the amendment applied for under this SECTION is**
 29 **in effect. The office shall file the affidavit under this subsection not**
 30 **later than five (5) days after the office is notified that the**
 31 **amendment is approved.**

32 **(d) If the office receives approval to amend the state Medicaid**
 33 **plan under this SECTION from the United States Department of**
 34 **Health and Human Services and the governor receives the affidavit**
 35 **filed under subsection (c), the office shall implement the**
 36 **amendment not later than five (5) days after the governor receives**
 37 **the affidavit.**

- 1 **(e) This SECTION expires December 31, 2013."**
- 2 Renumber all SECTIONS consecutively.
(Reference is to ESB 472 as printed March 31, 2009.)

Representative Neese